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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,624	10/22/2001	Matthew Round	1487.0240000/DKSC/JDS	9694

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EXAMINER

BURNHAM, SARAH C

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,624

Applicant(s)

ROUND ET AL.

Examiner

Sarah C. Burnham

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) 11-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 29-31 and 33 is/are rejected.
- 7) ☒ Claim(s) 29-31 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Claims 11-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

Priority

2. Acknowledgement is made of applicant's claim for foreign priority based on application number 9822545.1 and 9912046.1 both filed in the United Kingdom on 15 October 1998 and 24 May 1999 respectively.

Information Disclosure Statement

3. The information referred to in the information disclosure statements filed on 7 April 2003 has been considered as to the merits.

Specification

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

5. Claim 29 is objected to because of the following informalities: It appears as if, in line 3 of claim 29, the phrase "(15a, 15b comprising):" should be replaced with the

phrase "(15a, 15b) comprising:" Claims 30-31 and 33 are objected to as being dependent upon an objected base claim. Appropriate correction is requested.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-10, 29-31 and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following words/phrases lack sufficient antecedent basis:

- the seated body (claim 1, line 3)
- the legs (claim 1, line 4)

Claims 2-10, 29-31 and 33 are rejected as being dependent upon a rejected base claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 3-7 and 9-10 are rejected as best understood with the above cited indefiniteness under 35 U.S.C. 102(b) as being anticipated by Legrand (EP 0 036 822

Art Unit: 3636

A1). In Figure 1, Legrand discloses a seating unit (2) comprising a pair of seats (3)(4) facing in opposite directions. Each of seats (3)(4) has a seating space (5)(6) and an extension space (12)(11). Seats (3)(4) are positioned either side of a longitudinal axis (18) where the seating space (5) of seat (3) extends over the longitudinal axis (18) towards the extension space (11) of seat (4) and the seating space (6) of seat (4) extends over the longitudinal axis (18) toward extension space (12) of seat (3). The seating spaces (5)(6) are larger than extensions spaces (12)(11). Each seat (3)(4) has a seat axis (unlabeled) represented by a dashed line that is substantially parallel to longitudinal axis (18).

Each of seats (3)(4) has an armrest (20) arranged along a common axis (unlabeled) defined by wall (17). Common axis (unlabeled) is substantially coincident with longitudinal axis (18).

Seats (3)(4) are contained within housings (unlabeled) consisting of walls (51)(52)(53)(54)(55)(56)(57)(58). Wall (17) is substantially coincident, yet slightly offset, from longitudinal axis (18).

Figure 11 shows how seats (3)(4) each comprise a back portion (102) and a seating portion (unlabeled), bordered by hinges (104) and the angular bend (unlabeled). The phantom and solid lines in Figure 11 show how the seating portion (unlabeled), bordered by hinge (104) and angular bend (unlabeled) is moveable to allow for the recline of back portion (102).

A secondary unit (unlabeled) bordered by angular bend (unlabeled) and hinge (105) in Figure 11 faces back portion (102) of seats (3)(4) and is positioned within the extension spaces (12)(11).

The seating unit (2) disclosed by Legrand is for use in rail, road, air and sea public transit vehicles.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 2 is rejected as best understood with the above cited indefiniteness under 35 U.S.C. 103(a) as being unpatentable over Legrand (EP 0 036 822 A1) in view of Cozzoli (2,480,322). As stated above, Legrand discloses all claimed elements without explicitly showing how seating unit (2) can be arranged such that each seat (3)(4) is facing substantially forward or aft.

Cozzoli teaches an arrangement of stretchers (18) within an aircraft (5) in which each stretcher is positioned to face either forward or aft.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to arrange seating unit (2) such that seats (3)(4) are aligned to face either forward or aft as taught by Cozzoli. Such an arrangement is beneficial in that

when the aircraft quickly accelerates or decelerates, the seat occupant is not thrown sideways out of their seat.

12. Claims 8, 29, 30 and 33 are rejected as best understood with the above cited indefiniteness under 35 U.S.C. 103(a) as being unpatentable over Legrand (EP 0 036 822 A1) in view of Park (WO 98/36967). As stated above, Legrand discloses all claimed elements with the exception of: (1) a seating portion movable to a fully extended position to allow the back portion to recline to a fully reclined position so that together the secondary unit, the seating portion and the back portion form a flat surface and (2) an in-flight entertainment unit comprising a housing, monitor, support arm, cocktail table, computer power point, audio output jack, condition indicator all mounted in a housing associated with another seat.

Park discloses an aircraft seat having a back portion (310), a seating portion (312) and a secondary unit (313) that can be extended to a fully flat position as shown in Figures 15a and 15b. It would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify the size of back portion (102), seat portion (unlabeled) and secondary unit (unlabeled) in order to allow them to extend to a flat position as taught by Park. Such a modification would provide more headroom for seat occupants located at a tier below and also more comfort for sleeping.

Park further discloses an in-flight entertainment unit comprising a housing (226) with a monitor (238) which is pivotally mounted in order to be moved from a stored position to a viewing position (page 36, lines 9-20) and is mounted within a housing

(226) associated with another seat, as seen in Figure 12b. Furthermore, Park teaches the use of a cocktail table (232) which is foldable between a "stowed position in the console and a deployed position outside the console" (page 43, line 25). The entertainment unit is mounted in a housing (226) which lies between two seats as seen in Figure 12b, and is therefore associated with two seats.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to add the entertainment unit taught by Parks between the seats (3)(4) of seating unit (2) disclosed by Legrand. Such an addition would further enhance the riding comfort of the seat occupant.

13. Claim 31 is rejected as best understood with the above cited indefiniteness under 35 U.S.C. 103(a) as being unpatentable over Legrand (EP 0 036 822 A1) in view of Park (WO 98/36967) as applied to claim 29 above, and further in view of May et al. (6,102,476). Legrand, as modified, reveals all claimed elements with the exception of a computer power point, an audio output jack and a condition indicator.

May et al. teaches the use of a computer power point (20), speakers (40) which are inherently connected to an audio output jack, and a condition indicator (45).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to incorporate the computer power point (20), speakers (40) and condition indicator (45) into the entertainment unit disclosed by Legrand, as modified. Incorporation of such elements would make the seating arrangement more conducive for business travelers, one of the primary customers of airlines these days.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seating arrangements and electronic seating components in general:

- Dryburgh et al. (6,059,364)
- Reh et al. (5,222,780)
- Gallaher et al. (3,898,704)
- Burton et al. (2,332,841)
- LeGrand (3,784,989)
- Rosen (6,007,036)
- Moore et al. (5,374,104)
- Robak (D340,235)


15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-1020. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Art Unit: 3636

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.

SCB
June 16, 2003


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600